

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

DEFENSE DISTRIBUTED and  
SECOND AMENDMENT  
FOUNDATION, INC.,

Plaintiffs,

V.

1:18-CV-637-RP

UNITED STATES DEPARTMENT OF  
STATE, ANTHONY BLINKEN, *in his official  
capacity as Secretary of State*, DIRECTORATE OF  
DEFENSE TRADE CONTROLS, MIKE  
MILLER, *in his official capacity as Deputy Assistant  
Secretary of Trade Controls*, and SARAH  
HEIDEMA, *in her official capacity as Director of  
Policy, Office of Defense Trade Controls Policy*,

Defendants.

## TRANSFER ORDER

On March 15, 2023, the Court granted Defendants U.S. Department of State, et al.’s (“Defendants”) motion to dismiss, (Dkt. 182). The Court dismissed all of Plaintiffs Defense Distributed and Second Amendment Foundation, Inc.’s (“Plaintiffs”) claims for equitable relief.<sup>1</sup> (*Id.*). The Court noted that it lacked jurisdiction over Plaintiffs’ claims for monetary relief because they exceeded the \$10,000 limit provided by the Little Tucker Act. (*Id.* at 15). However, in their response to the motion, Plaintiffs asked that they be granted leave to amend their complaint to fall within this limit to avoid transfer. (Pls.’ Resp., Dkt. 168, at 19 n.13). The Court gave Plaintiffs until March 29, 2023, to file any such amendment. (Order, Dkt. 182, at 16). Plaintiffs have not filed a motion for leave since that time.

<sup>1</sup> While Plaintiffs' claims for equitable relief remain dismissed without prejudice, their breach of contract claim for monetary relief (Count Five of their cause of action against the State Department) is live.

For the reasons set out in the order on the motion to dismiss, the Court will transfer Plaintiffs' remaining claims for monetary damages to the Court of Federal Claims. (*Id.* at 15).

Accordingly, **IT IS ORDERED** that this case is **TRANSFERRED** to the United States Court of Federal Claims.

**SIGNED** on April 3, 2023.

A handwritten signature in blue ink, appearing to read "R. Pitman", is written above a horizontal line.

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ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE